

Patent

Attorney Docket No: ART-00101.P.1

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Guoqing Wang  
Lei Wu  
Xiaobo Wang  
Jing Cheng  
WeiPing Yang

Examiner: Lu, Frank Wei Min

Group Art Unit: 1634

Application Number: 09/648,081

Filed: August 25, 2000

For: METHODS AND COMPOSITIONS  
FOR IDENTIFYING NUCLEIC  
ACID MOLECULES USING  
NUCLEOLYTIC ACTIVITIES  
AND HYBRIDIZATION

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Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

Sir,

**PETITION TO WITHDRAW PATENT APPLICATION FROM ISSUE AFTER  
PAYMENT OF THE ISSUE FEE UNDER 37 CFR 1.313(c)**

Applicants respectfully request that U.S. Patent Application number 09/648,081 be withdrawn from issue. The issue fee for the referenced application has been paid. Applicants therefore petition for the withdrawal of U.S. Patent Application number 09/648,081 under 37 CFR 1.313(c) and enclose the fee under 37 CFR 1.17(h) so that certain publications can be properly considered by the Examiner.

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The reason for this petition is that Applicants very recently became aware of references cited by Examiner Lu in an office action for an application of the family, U.S. Patent Application number 10/355,411. The office action citing the new references was mailed August 11, 2004. The references, U.S. Patent number 6,258,146 and U.S. Patent Application Publication number 2003/0096232A1, are listed in the submission provided herewith in the form of an Information Disclosure Statement and Form 1449 (see 37 CFR §1.56). Applicants also submit herewith a Request for Continued Examination (RCE) to enable the Examiner to properly consider these references.

Applicants regret that they became aware of the new reference after the payment of the issue fee and the adherence of the Applicants to the duty to disclose under 37 CFR 1.97 and 37 CFR 1.98. Applicants petition for withdrawal of Application number 09/648,081 from issue to allow the Examiner to properly consider the references cited in the attached Information Disclosure Statement and Form 1449.

Respectfully submitted,

Date:

August 30, 2004



David R. Preston  
Reg. No. 38,710

David R. Preston & Associates  
12625 High Bluff Drive  
Suite 205  
San Diego, CA 92130

Telephone: 858.450.1388  
Facsimile: 858.450.2188